

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Kenneth Lamont MOSS

Case No. Case: 2:22-mj-30055

Assigned To : Unassigned

Assign. Date : 2/4/2022

USA V. SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/16/2020, 08/22/2021, and 08/25/2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1) on March 16, 2020	Possession with intent to distribute cocaine base.
18 U.S.C. § 922(g)(1) on March 16, 2020	Felon in possession of firearm.
18 U.S.C. § 922(g)(1) on August 22, 2021	Felon in possession of firearm.
18 U.S.C. § 922(g)(1) on August 25, 2021	Felon in possession of firearm.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Kenton Weston, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 4, 2022

City and state: Detroit, MI



Judge's signature

Hon. Kimberly Altman, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Kenton Weston, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit with personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and therefore does not contain all details or all facts of which I am aware relating to this investigation.

2. I have been employed as a Special Agent with the ATF since January of 2018. I am assigned to the Detroit Field Division Crime Gun Enforcement Team (CGET), where I am tasked with investigating violent gun crimes and enforcing violations of firearms and narcotics laws. I have been involved in dozens of investigations involving violations of federal firearms and narcotics laws. These investigations have resulted in the seizure of narcotics and hundreds of firearms. I graduated from Western Michigan University with a B.S. in accounting, the Federal Law Enforcement Training Center, and the ATF Special Agent Basic Training.

3. The ATF is currently investigating Kenneth Lamont MOSS (DOB

XX/XX/1971). MOSS is a multi-convicted felon who has been found in possession of firearms and controlled substances, in the Eastern District of Michigan.

4. I reviewed the computerized criminal history of MOSS, which revealed that he has the following felony convictions:

- a. October 15, 1999 - Michigan 3rd Circuit Court - Assault with Intent to do Great Bodily Harm less than Murder or by Strangulation and Felony Firearm. MOSS was sentenced to 1 to 10 years imprisonment on the assault charge and a consecutive 2 years on the firearm charge.
- b. April 18, 2012 – Michigan 3rd Circuit Court - Breaking & Entering a Building with Intent
- c. July 30, 2014- Michigan 3rd Circuit Court - Controlled Substance Delivery/ Manufacture Marijuana / Synthetic Equivalents.

March 16, 2020 Incident

5. On March 16, 2020, Detroit Police Department (DPD) officers responded to a dispatched call of a man chasing a woman with a gun on the 19000 block of Riopelle, which is in the Eastern District of Michigan. The male was described as a black male wearing a navy-blue shirt, medium complexion, approximately 6 ft tall and medium build. Officers driving a marked police car arrived in the area of the 19000 block of Riopelle and heard a male and female yelling. The officers continued in their vehicle southbound on Riopelle and

observed an individual fitting the dispatched description (later identified as MOSS) run from the west side of Riopelle to the sidewalk on the east side of Riopelle. MOSS looked in the direction of the marked police car then gripped the front of his pants/waistband. One of the officers directed MOSS to stop, MOSS replied "I'm running." MOSS then took off running away from the officers while gripping his waistband. Officer(s) pursued MOSS on foot. MOSS eventually fell onto the sidewalk and the officers were able to grab ahold of him. As the officers began to detain him, MOSS actively resisted the officers. During the brief struggle, officers discovered that MOSS was in possession of a firearm. One of the officers recovered the firearm after it fell from MOSS'S waist. The recovered firearm was a loaded Ruger P89DC 9mm pistol bearing serial # "310-04489". A subsequent search incident to arrest revealed that MOSS was in possession of (1) green pill bottle containing, 21 prepackage plastic baggies containing, suspected cocaine base, and a cell phone.

6. Subsequently, DPD used a TruNarc narcotics analyzer and the recovered cocaine base tested positive. Based on my training and experience, and the training and experience of other agents with whom I have spoken, the quantity of cocaine base and the manner in which it was packaged is consistent with an intent to distribute rather than for personal use.

7. The recovered firearm was processed, and test shots from the firearm

were submitted to the National Integrate Ballistic Information Network (NIBIN), and the firearm was linked to another shooting incident. Specifically, a shooting that occurred seventy-three (73) days earlier, on January 3, 2020, where an individual used the recovered Ruger to shoot into a home containing four (4) individuals. MOSS was not identified as a suspect.

August 2021 Incident

8. On August 22, 2021, at approximately 11:58 pm, DPD was dispatched to a “shooting in progress” that was occurring at the residence located at 1XXX Orleans St. Detroit, MI, within the Eastern District of Michigan. DPD learned that MOSS, arrived in his dark color Chevy Impala and discharged a firearm once or twice into the air. DPD conducted a search for fired cartridge cases with negative results.

9. On August 23, 2021, at approximately 2:56 pm, DPD conducted an additional interview at 1XXX Orleans St. While at the residence DPD recovered two .40 caliber fired cartridge cases located in the driveway of the residence and on Orleans St. Later that day, the recovered fired cartridge cases were submitted to NIBIN.

10. On August 25, 2021, DPD executed an arrest warrant stemming from the August 22 incident. DPD observed MOSS wearing a bright yellow t-shirt come from the side of his residence, located at 197xx Marx St. Detroit, MI and ride away

and return on a bicycle. Additionally, DPD observed the dark colored Chevy parked in the driveway. In an unrelated incident on June 20, 2021, MOSS told police officers that his residence was 197xx Marx St. While MOSS attempted to open the front door to the residence, DPD gave commands to MOSS to stop. At this juncture, MOSS reached into his pockets, removed his hands from his pockets, raised his arms into a “T”, and made a motion like he was disregarding property and or contraband. MOSS was then arrested and placed into a police car. DPD officers conducted a brief search of the area MOSS was standing and recovered a black plastic baggie containing 2 small Ziplock baggies with suspected cocaine base.

11. Subsequently, DPD kept MOSS’ residence secure, and obtained a state search warrant to search for firearms related to the August 22nd incident. Once the interior of the residence was secured, DPD began a search for evidence and recovered the following items:

- a. Approximately 11.5 gg of cocaine base (TruNarc verified), in a knotted sandwich baggie, located inside a pair of men’s shorts in the living room.
- b. A loaded Smith & Wesson SW40VE .40 caliber semi-automatic pistol with a defaced serial number, located in a pair of grey pants in the living room.

c. MOSS' State of Michigan "Bridge Card."

d. Mail addressed to MOSS at that residence.

12. This recovered firearm was processed, and test shots were submitted to NIBIN, which linked the firearm to the August 22, 2021, shooting incident.

13. I conferred with ATF Special Agent Jimmie Pharr, an Interstate Nexus expert, who indicated both of the firearms referenced above were not manufactured in the State of Michigan and therefore, had traveled in or affected interstate or foreign commerce.

Conclusion

14. On March 16, 2020, MOSS had a firearm in his possession along with pre-packaged narcotics in a condition that, based on my training and experience, is consistent with an intent to distribute. On August 22, 2021, as evidenced by NIBIN, MOSS discharged a Smith & Wesson SW40VE .40 and therefore was in possession of a firearm. On August 25, 2021, the Smith & Wesson was recovered at his residence, and he was on scene at the time. Given this, and that his mail and bridge card were at the residence, MOSS was separately in possession of the firearm again. Based this information, there is probable cause to believe that Kenneth MOSS, who knew he was a convicted felon, was in possession of the firearms, and pre-packaged narcotics, said firearms having previously travelled in foreign or interstate commerce in violation of Title 18 U.S.C., Sec. 922(g)(1) and

21 U.S.C. Sec. 841 (a)(1). These violations occurring all within the Eastern
Judicial District of Michigan.

Respectfully submitted,



Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

Dated: February 4, 2022